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FROM: Charles B. Cappellari
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10210 Genetic Center Drive
San Diego, California 92121
Phone No. (858) 410-8927
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TO: Examiner: Sandy, R.
Group 3677

U.S. Patent & Trademark Office

Facsimile No. (703) 872-9306

Number of pages (including this cover page): **16**

| In re Patent Application of:	)	Group Art Unit: 3677
MESSINA, M.	)	Examiner: Sandy, R.
Serial No. 10/651,209	)	Atty. Docket No. 2566-122
Filed: August 29, 2003	)	Confirmation No. 7634
Title: CLAMP	)	Date: April 29, 2005

Attached hereto are the following:

(1) Supplemental Information Disclosure Statement (2 pages);
(2) PTO/SB/08 Form (1 pg. in duplicate, 2 pages total);
(3) Two References Cited (2 enclosed, 9 pages total); and
(4) Fee Transmittal Form (1 pg. in duplicate, 2 pages total)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-872-9306 on the date indicated below to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.

Date: April 29, 2005
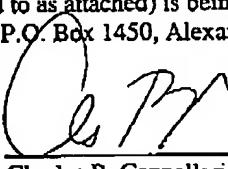
By: _____
Charles B. Cappellari
Registration No. 40,937
Attorney for Applicant

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PTO/SB/17 (12-04v2)
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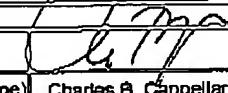
Effective on 12/08/2004. *Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).*	Complete if Known	
FEE TRANSMITTAL **For FY 2005**	Application Number	10/651,209
	Filing Date	August 29, 2003
	First Named Inventor	MESSINA, M.
☐ Applicant claims small entity status. See 37 CFR 1.27	Examiner Name	Sandy, R.
	Art Unit	3677
TOTAL AMOUNT OF PAYMENT ($) 180.00	Attorney Docket No.	GP138-04.UT

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 07-0835 Deposit Account Name: Gen-Probe Incorporated

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____	x _____	= _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____	x _____	= _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee ($)	Fee Paid ($)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____ / 50 =	_____ (round up to a whole number) x	_____	= _____

4. OTHER FEE(S)

Non-English Specification, $130 fee (no small entity discount)

Other (e.g., late filing surcharge): IDS Fee _____

Fees Paid ($): 180.00

SUBMITTED BY		Registration No. (Attorney/Agent) 40,937	Telephone (858) 410-8927
Signature	[signature]		Date April 29, 2005
Name (Print/Type) Charles B. Cappellari			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	) Group Art Unit: 3677
	)
Mark MESSINA	) Examiner: Sandy, R.
	)
Serial No. 10/651,209	) Atty. Docket No. 2566-122
	)
Filed: August 29, 2003	) Confirmation No. 7634
	)
For: CLAMP	)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant brings to the Examiner's attention the references listed on the attached PTO/SB/08 form (two copies) for consideration in connection with the examination of the above-identified application. Translations of the previously cited non-English language documents are enclosed herewith.

This Information Disclosure Statement is being submitted under 37 C.F.R. § 1.97(c) more than three months from the filing date of the instant application and after the mailing date of a first Office action on the merits but before the mailing date of either a final action or notice of allowance.

Applicant respectfully requests that the Examiner indicate consideration of the cited references by returning a copy of the attached PTO/SB/08 form with the Examiner's initials or other appropriate marks.

05/03/2005 EFLORES 00000122 070835   10651209
01 FC:1806   180.00 DA

IDS

Serial No. 10/651,209
Atty. Docket No. 2566-122

Please charge the fee due under 37 C.F.R. § 1.17(p), and any other fee that may be due, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

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Respectfully Submitted,
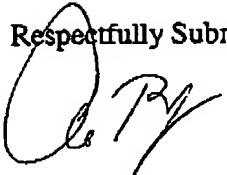
Date: April 29, 2005   By:

Charles B. Cappellari
Attorney for Applicants
Registration No. 40,937

GEN-PROBE INCORPORATED
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Page 2 of 2

PTO/SB/08B (08-03)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known	
Application Number	10/651,209
Filing Date	August 29, 2003
First Named Inventor	MARK MESSINA
Art Unit	3677
Examiner Name	Sandy, R.
Attorney Docket Number	2566-122

Sheet	1	of	1

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number — Number-Kind Code [2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document — Country Code[3] -Number[4] -Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	6 T
		CH 269995 A	08-15-1950	Siegrist, Walter		✓
		FR 2278006 A	02-06-1976	Bioengineering Research		✓

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete If Known	
Application Number	10/651,209
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Sheet	1	of	1

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		CH 269995 A	08-15-1950	Siegrist, Walter		✓
		FR 2278006 A	02-06-1976	Bioengineering Research		✓

Examiner Signature		Date Considered	